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## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

Project Name: Sol Orchard Ramona Solar Energy Project

Project Number: 3300 11-029 (MUP)

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the  
Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Air Quality, Biological Resources, Cultural Resources, Drainage, Fire Protection, Noise, Stormwater Management, and Visual / Aesthetic Resources
1. California Environmental Quality Act Mitigated Negative Declaration Findings:  
  
Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. **SALES AND USE TAX: [DPLU, PCC] [UO]**

**Intent:** In order to ensure economic benefits to the County by obtaining the receipt of sales and use tax revenues, the applicant will work with the County and the contractors that will be responsible for the acquisition of materials and the construction of the Project so sales and use tax shall be accepted in the unincorporated area of the County of San Diego. **Description of Requirement:** A signed and notarized statement from someone authorized to sign on behalf of the applicant shall include terms mutually acceptable to the County and the applicant indicating a good faith effort will be made to ensure the receipt of sales and use tax revenue in the unincorporated area of the County of San Diego. Terms that would ensure the receipt of sales and use tax could include, but not be limited to, the following:

- a. Make a good-faith effort to have all transactions that will generate sales and use taxes, including transactions of applicant's contractors, occur in the unincorporated area of the County;
- b. Encourage the contractors to establish a business location and tax resale account, and take other reasonable steps, to maximize receipt of sales and use tax revenues for the County;
- c. Include in a master contract and any other contract for construction, language ensuring that the County will receive the benefit of any sales and use tax generated by the Project to the fullest extent permitted by law;
- d. Include the following provision from California Board of Equalization, Regulation 1806(b), in all construction contracts:

*The jobsite is regarded as a place of business of a construction contractor or subcontractor and is the place of sale of "fixtures" furnished and installed by contractors or subcontractors. The place of use of "materials" is the jobsite. Accordingly, if the jobsite is in a county having a state administrated local tax, the sales tax applies to the sale of the fixtures, and the use tax applies to the use of the materials unless purchased in a county having a state-administrated local tax and not purchased under a resale certificate.*

- e. In all agreements related to the Project, identify the jobsite as the project address, which is located within the unincorporated area of the County of San Diego;
- f. If the applicant enters into a joint venture or other relationship with a contractor, supplier, or designer, the applicant shall either establish a buying company within San Diego County under the terms and conditions of Board of Equalization Regulation 1699(h), to take possession of any goods on which sales and use taxes are applicable but are not defined by Regulation 1806 and shall include in its their requests for bids, procurement contracts, bid documents, and any other agreement whereby California Sales and Use Taxes may be incurred, that the sale occurs at that place of business in the unincorporated area of San Diego County; or, alternatively, any entity that may sell goods on which sales taxes are applicable may establish its own place of business within the unincorporated area of San Diego County where delivery is ultimately made to the applicant; principle negotiations for all such sales shall be carried on in San Diego County;
- g. Provide notice to all out-of-state suppliers of goods and equipment, no matter where originating, that San Diego County is the jurisdiction where the first functional use of the property is made.

**Documentation:** The applicant shall provide a signed and notarized statement from someone authorized to sign on behalf of the company, with language acceptable to the company and the Director of Planning and Land Use [DPLU, PCC] specifying the terms related to sales and use taxes, when feasible.  
**Timing:** Within 30 days after this permit becomes effective and prior to establishment of use in reliance of this permit, this condition shall be satisfied.  
**Monitoring:** The [DPLU, PCC] shall review the evidence for compliance to this condition.

**2. COST RECOVERY: [DPLU, DPW, DEH, DPR], [GP, CP, BP, UO]**

**Intent:** In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning

Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

**3. RECORDATION OF DECISION: [DPLU], [GP, CP, BP, UO]**

**Intent:** In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **Description of requirement:** The applicant shall sign, notarize with an 'all purpose acknowledgement' and return the original Recordation Form to DPLU. **Documentation:** Signed and notarized original Recordation Form. **Timing:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by DPLU at the County Recorder's Office. **Monitoring:** The DPLU Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at DPLU.

**4. OFF-SITE MITIGATION: [DPLU, PCC] [BP, GP, CP, UO] [DPR, GPM] [DPLU,FEE X2]**

**Intent:** In order to mitigate for the impacts to non-native grassland and field/pasture lands, which are sensitive biological resources pursuant to the California Environmental Quality Act (CEQA), off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 9.41 acres of non-native grassland, located within the County of San Diego as indicated below.

a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in San Diego County as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [DPLU].
  2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
  3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
  4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
  5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

**Documentation:** The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **Monitoring:** The [DPLU, PCC] shall

review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, REG] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

5. **AGRICULTURAL RESOURCES: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2]. Intent:** In order to mitigate for agricultural resources, as evaluated in the [County Agricultural Resource Guidelines for Determining Significance](#), mitigation of the impacts to agricultural resources will be required in the form of a payment to the County's Purchase of Agricultural Conservation Easement (PACE) Program – **OR** – off-site preservation at a ratio of 1:1 for all impacted agricultural soils for a total of 7.19 acres – **OR** – on-site preservation of 7.19 agricultural mitigation. The agricultural mitigation shall be increased at a 1:1 ratio for any additional ballasted footings over 10 percent of the total solar panel supports. **Description of Requirement:** Mitigation of the impacts to agricultural resources will be required in the form of a payment to the County's Purchase of Agricultural Conservation Easement (PACE) Program or by off-site preservation at a ratio of 1:1 for all impacted agricultural soils for a total of 7.19 acres. The agricultural mitigation shall be increased at a 1:1 ratio for any additional ballasted footings over 10 percent of the total solar panel supports. This off-site preservation may be by the purchase of an agricultural easement or agricultural land, over an existing agricultural operation. All agricultural easements or purchased land must be preserved in agricultural production, in perpetuity. The on-site mitigation must be preserved for the life of the permit. **Documentation:** The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, Real Property Division], and pay all applicable fees associated with preparation of the documents. Upon recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, Real Property Division] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.
6. **LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, REG] [GP, CP, BP, UO] [DPR, TC, PP]. INTENT:** In order to provide adequate landscaping that

addresses visual impacts through screening, community character, and to comply with the approved conceptual Landscape Plan dated February 21, 2012.

**DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the COSD Grading Ordinance, and approved conceptual Landscape Plan dated February 21, 2012. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from [DPW, Land Development] approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).

- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Tree planting and species selected shall be provided and located per the approved conceptual Landscape Plan dated February 21, 2012 that addressed mitigation for potential visual impacts associated with the project.
- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: all proposed plantings, adjacent to the off-site drainage feature, as identified in the Biological Resource Report, dated March 27, 2012, shall be non-invasive.

**DOCUMENTATION:** The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (DPLU Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [DPLU, Landscape Architect] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

**7. TRAIL/PATHWAY EASEMENT: [DGS, RP] [DPR, TC] [GP, CP, BP, UO]**

**Intent:** In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall designate a pathway.

**Description of requirement:** Designate a ten (10) foot wide non-motorized multi-use pathway within the road right of way for Warnock Drive and Ramona Street, as shown on the Plot Plan dated February 21, 2012. The pathway shall also be shown on grading plans, improvement plans and building plans.

**Documentation:** The applicant shall show the pathways within the road right of way for Warnock Drive and Ramona Street on the approved Plot Plan. **Timing:** Prior to obtaining any building or other permit pursuant to this Permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall designate the pathway. **Monitoring:** The designated pathway shall be shown on the Major Use Permit 11-029 Plot Plan, the grading plan, the improvement plans and the building plans. The [DPR, TC] shall review the approved Plot Plan for compliance with this condition.

**8. TRAIL/PATHWAY IMPROVEMENTS [DPR, TC] [DPW, LDR] [GP, CP, BP, UO]**

**Intent:** In order to promote orderly development and to comply with the Community Master Trails Plan, the applicant shall improve the pathway in accordance with the approved Plot Plan dated February 21, 2012. **Description of requirement:** Improve or agree to improve to the satisfaction of the



Department of Parks and Recreation and/or Department of Public Works, a pathway along the project frontage to a width of ten (10) feet within the outer edge of the road right of way for Warnock Drive and Ramona Street as indicated on the Plot Plan. The pathway shall be improved by blading and clearing the right of way of obstructions such as vegetation and rocks to provide a clear, unobstructed walking surface to a width of ten feet. The existing fence may need relocation to accommodate the 10-foot wide cleared pathway. Existing power poles, utility boxes, and drainage pipes and culverts do not need to be relocated and the pathway may be reduced in these areas to get around the poles. **Documentation:** The applicant shall include the pathway on the improvement and/or grading plans for the project. **Timing:** Prior to obtaining any building or other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this Permit, the applicant shall receive approval of the improvement plans and provide security for the construction of the trail and pathway. **Monitoring:** The [DPR, TC] and/or [DPW, LDR] shall review the plans and approve all financial securities for the construction of the pathway facility.

***PRE-CONSTRUCTION MEETING:*** (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

## **(BIOLOGICAL RESOURCES)**

### **9. "RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].**

**Intent:** In order to avoid impacts to raptors and migratory birds, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans.

**Description of Requirement:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of migratory bird nesting habitat and 500 feet of nesting raptor habitat within Resource Avoidance Area (RAA) "A" as indicated on these plans during the breeding season. The breeding season is defined as occurring between January 15<sup>th</sup> and August 31<sup>st</sup>.

The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no raptors or migratory birds are present in the vicinity of the brushing, clearing or grading.

**Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the

requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”

## **(CULTURAL RESOURCES)**

### **10. “TEMPORARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE].**

**Intent:** In order to prevent inadvertent disturbance to archaeological sites, temporary construction fencing shall be installed. **Description of Requirement:**

Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing.

1. Temporary fencing is also required at the project boundary where proposed grading or clearing is within 100 feet of a recorded archaeological site.
2. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

**Documentation:** The applicant shall install temporary fencing and have a California licensed surveyor certify its installation. The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing.

**Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant’s surveyor.”

***DURING CONSTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction).*

### **11. ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2]**

**Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to 3300-11-029(MUP), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources](#) , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project

Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. "During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist."
- b. "In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods."
- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."

**Documentation:** The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

**GRADING PERMIT:** (Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits).

**12. TRAFFIC CONTROL PLAN: [DPW, LDR] GP, IP, UO].**

**Intent:** In order to mitigate below levels of significance for temporary traffic impacts, a traffic control plan shall be prepared and implemented. **Description of Requirement:** A Traffic Control Plan (TCP) shall be prepared that addresses the following, but is not only limited to: haul routes, number of trips per day, and destination.

- a. The implementation of the TCP shall be a condition of any grading, construction, or excavation permit issued by the County. Any additional County [Traffic Control Permits](#) shall be obtained as required. The applicant is responsible for the maintenance and repair of any damage caused by them to the on-site and off-site private roads that serve the property either during construction or subsequent operations.”
- b. The applicant will repair those portions of the route that would be damaged by the heavy loads that loaded trucks place on the route identified. An agreement shall be executed, which will also include an agreement is to include (1) a cash deposit for emergency traffic safety repairs; (2) long-term security for expected increased maintenance on the route identified; and (3) possible future asphalt overlay requirements on the route identified.

**Documentation:** The applicant shall have the TCP prepared by a licensed Traffic Engineer and submit it to [DPW, LDR] for review. The applicant shall also execute a secured agreement for any potential damages caused by heavy trucks on road mentioned above. The agreement and securities shall be approved to the satisfaction of the [DPW, LDR]. The applicant is responsible for obtaining any additional permits as identified in the TCP. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading, Construction, or Excavation Permits, a TCP shall be prepared and approved. **Monitoring:** The [DPW, LDR] shall review the TCP for compliance with this condition, and require any additional traffic or encroachment permits before any approval of the TCP. The TCP shall be implemented and made a condition of any associated County Construction, Grading or Encroachment Permit.

**13. ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [GP, IP, UO] [DPLU, FEE X 2] Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [California Environmental Quality Act \(CEQA\) Sections 15064.5 an 15064.7](#). **Description of Requirement:** A County Approved Principal Investigator (PI) known as the “Project Archaeologist,” shall be

contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities associated with the solar project. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

**Documentation:** The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **Monitoring:** The [DPLU, PCC] shall review the contract, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, Project Manager], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

14. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].**  
**Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to 3300 11-029(MUP), and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist

shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

**Documentation:** The applicant shall submit the report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of 3300 11-030, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), the final report shall be completed.

#### **15. FIRE PROTECTION: [DPLU, PCC] [UO] [DPLU, FEE X2]**

**Intent:** In order to assure fire safety in compliance with the County of San Diego Fire Code Sections 96.1.4903 and 96.1.4907, the site shall be maintained in conformance with the approved Fire Protection Letter Report and Technical Report and Condition Letter from the Ramona Fire Protection District.

**Description of requirement:** The following measures approved in the Fire Letter Report and Technical Report dated February 21, 2012, shall be implemented and maintained:

- a. **Access:** The driveway entrances (fire apparatus entrance points) leading from Ramona Street and all internal roadways shall have an unobstructed improved width of 24-feet of decomposed granite (DG). Fire apparatus access roads shall be designed and maintained to support the imposed

load of fire apparatus weighing not less than 75,000 lbs. and shall be provided with an approved surface for all weather driving capabilities.

- b. **Gates:** Any gates, new or existing, must meet County Fire Code. Gate installation must include a Knox key-operated switch.
- c. **Signs:** Signs shall be placed at each disconnecting point and shall indicate what equipment it de-energizes. Each inverter structure will be numbered with signage that shall be plainly visible with numbers that contrast with their background. Each inverter shall display the phone number of a responsible PV entity who can dispatch a local PV technician in a timely manner.
- d. **Lighted Directory:** A lighted directory shall be located at the entrance to the site depicting the overall site plan and the locations of each numbered inverter structure for the site. The directory shall display the phone number of a responsible entity who can dispatch a local PV technician in a timely manner.

**Documentation:** The applicant shall provide documentation (inspection report or photographs) that demonstrates compliance with the FPP, and a letter from the Ramona Fire Protection District approving the driveway access and gates.

**Timing:** Prior to occupancy of the first structure built in association with this permit, the improvements shall be implemented. **Monitoring:** The [DPLU, PCC] shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

***BUILDING PERMIT: (Prior to approval of any building plan and the issuance of any building permit).***

**16. ACCESS IMPROVEMENTS: [DPW, LDR], [DPR, TC] [GP, CP, BP, UO]**

**Intent:** In order to promote orderly development and to comply with the [Centerline Ordinance Sec. 51.500 et. al.](#) and the County Trails Master Plan (Community Trails Master Plan), a project driveway shall be improved.

**Description of requirement:** obtain a construction/encroachment permit from Construction/Road right-of-way Permits Services Section, for the improvements to be made within the public right-of-way.

- a. The project driveway and entry gate shall be designed and constructed to the satisfaction of the Ramona Fire Protection District and the Director of Public Works.
- b. Taper for acceleration/deceleration area from the ultimate right of way line



to the existing edge of pavement of **Ramona Street** with asphalt concrete to the satisfaction of the Ramona Fire Protection District and the Director of Public Works.

**Documentation:** The applicant shall obtain the encroachment permit and provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [DPW, LDR]. **Timing:** Prior to construction of anything within the County right of way along **Ramona Street**, the permit shall be obtained. **Monitoring:** The [DPW, LDR] shall review the permit for compliance with this condition and the applicable improvement plans, and implement any conditions of the permit in the County improvement plans.

**17. TRANSPORTATION IMPACT FEE: [DPW, LDR] [DPLU, BD] [BP]**

**Intent:** In order to mitigate potential cumulative traffic impacts to less than significant, and to comply with the [Transportation Impact Fee \(TIF\) Ordinance Number 77.201-77.219](#), the TIF shall be paid. **Description of requirement:** The Transportation Impact Fee (TIF) shall be paid pursuant to the to [County TIF Ordinance number 77.201-77.219](#). The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance. **Documentation:** The applicant shall pay the TIF at the [DPLU, ZONING] and provide a copy of the receipt to the [DPLU, Building Division Technician] at time of permit issuance. The cost of the fee shall be calculated at time of payment. **Timing:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, the TIF shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to the ordinance and provide a receipt of payment for the applicant. [DPLU, Building Division] shall verify that the TIF has been paid before the first building permit can be issued. The TIF shall be verified for each subsequent building permit issuance.

**18. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE: [DPLU, BPR] [UO] [DPLU, FEE].**

**INTENT:** In order to provide adequate Landscaping that addresses visual impacts through screening, community character, to implement the approved conceptual Landscape Plan dated February 21, 2012, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), and the COSD Grading ordinance, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to



construction of specific buildings or phases to the satisfaction of the [DPLU, Landscape Architect, PCC] [DPR, TC, PP]. **DOCUMENTATION:** The applicant shall submit to the [DPLU Landscape Architect, PCC], a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, DPLU Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The [DPLU, Landscape Architect] shall verify the landscape installation upon notification of occupancy or use of the property, and notify the [DPLU, PCC] [DPR, TC, PP] of compliance with the approved Landscape Documentation Package.

19. **TRAIL/PATHWAY ACCEPTANCE:** [DPR, TC] [DPW, PDCI] [UO, FG].  
**Intent:** In order to ensure the trail has been improved in accordance with to the conditions, a final field inspection and acceptance must be made by the County.

**Description of requirement:** The applicant shall improve to the satisfaction of the Department of Parks and Recreation and/or the Department of Public Works, a pathway to a width of ten feet as indicated on the Plot Plan. **Documentation:** Upon completion of the pathway improvements, the applicant shall request in writing a final acceptance of the trail improvements. The applicant shall pass a final inspection and acceptance of the pathway. A final inspection shall be coordinated with the [DPR, TC], and all applicable inspection fees shall be paid. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the applicant shall improve the pathway. **Monitoring:** The [DPR, TC] and or [DPW, PDCI] shall review the pathway for conformance with the improvement conditions. Upon acceptance of the pathway improvements, all financial securities (if any), for the improvements of the pathway facility shall be released.

20. **SITE PLAN IMPLEMENTATION:** [DPLU, BI] [UO] [DPR, TC, PP].

**INTENT:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Major Use Permit 3300 11-029 (MUP) plot plan and the building plans. This includes, but is not limited to:

- a. Improving all proposed driveways in accordance with the approved Fire Protection Plan dated February 21, 2012;
- b. Installing all required landscaping as indicated on the approved Landscape Plan;

- c. Installing solar panels with antireflective coating;
- d. Removing all temporary construction facilities from the site;
- e. Improving all trails/pathways on the site as shown on the approved Major Use Permit Plot Plan;
- f. Install all required site directory signage in accordance with the approved Fire Protection Plan/Technical Report;
- g. Install a permeable soil-binding agent (biodegradable) on unpaved roadways to reduce dust (not coated with any materials that would sterilize the soil); and
- h. Installing all required design features as indicated in the project description.

**DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The *[DPLU, Building Inspector]* and DPR [TC, PP] shall inspect the site for compliance with the approved Building Plans.

**21. AIR QUALITY & DUST CONTROL: [DPLU, BI] [UO] [MITIGATION]**

**Intent:** In order to mitigate fugitive dust caused by the permanent disturbance of the site from clearing and grading, a permeable soil-binding or permeable rock material shall be used to limit the dust. **Description of Requirement:** A nontoxic, biodegradable permeable soil-binding agent or permeable rock material will be applied to all disturbed or exposed surface areas as follows:

- a. A permeable soil-binding agent suitable for both traffic and non-traffic areas shall be used. These agents shall be biodegradable, eco-safe, with liquid copolymers that stabilize and solidify soils or aggregates, which facilitate dust suppression.
- b. Alternatively, a permeable rock material consisting of either river stone decomposed granite or gravel could be placed in a thin cover over all exposed surface area in-lieu of the binding agent referenced above.
- c. In-lieu of, or in combination with, conditions a and b above, the areas located between the arrays, and any non-drivable surface may be

revegetated with native noninvasive plant species. A Revegetation Plan shall be prepared that provides sufficient ground cover to mitigate fugitive dust from the ground disturbances. The revegetation plan shall conform to the most current version of the County of San Diego Report Format and Content Requirements for Revegetation Plans. The Revegetation Plan shall include the following:

- (1) The monitoring plan shall be for a length of 3 years and have an 80 percent success criterion.
  - (2) The report shall be prepared by a County approved biologist and the construction plans shall be prepared by a State of California Licensed Landscape Architect.
  - (3) Revegetation objectives, revegetation site biological resource map, 24" x 36" landscape plan, map showing revegetation areas according to mitigation type and amount, site preparation information, type of planting materials (e.g. species ratios, source, size material, etc.), planting program, 80 percent success criteria, and a detailed cost estimate.
  - (4) A cost estimate based on a 3% annual inflation rate shall be submitted for review and approval, which includes the cost of the plant stock and its installation, irrigation system and installation, cost of monitoring and maintenance of the revegetation area for the required monitoring period, and report preparation and staff time to review.
  - (5) The applicant shall enter into a secured agreement with the County of San Diego to the satisfaction of the [DPLU, LA] as follows: The security shall consist of a letter of credit, bond, or cash for 100 percent of the estimated costs associated with the implementation of the Revegetation Plan and a 10 percent cash deposit of the cost of all improvements, but the cash deposit shall be no less than \$3,000 and no more than \$30,000.
- d. In-lieu of, or in combination with, conditions a, b and c above, the areas located between the arrays, and any non-drivable surface may be used for agriculture, including but not limited to pasture land to be grazed by cattle, sheep or goats, vegetable crops, ornamentals, berries, grapes, or container ornamentals.

**Documentation:** The applicant shall install the permeable binding agent or permeable rock as referenced above. Upon completion a photographic letter report with manufacture data sheets and specifications of the material shall be submitted to the [DPLU, PCC] for review and approval. For Option c only, the applicant shall prepare the Revegetation Plan pursuant to this condition and by using the Applicants Guide to Preparing revegetation Plans, DPLU Form # 717, and then submit it to the [DPLU, ZONING] and pay all the applicable review fees and deposits. **Timing:** Prior to occupancy of the first structure built in association with this permit and every other structure thereafter, compliance with this condition is required. **Monitoring:** The [DPLU, PCC] shall review the letter report for compliance with this condition, and instruct the [DPLU, BI] to perform a field verification. (For Option c only): The [DPLU, LA] shall review the Revegetation Plan for conformance with this condition and the Report Format and Content Requirements for Revegetation Plans. Upon approval of the Plan, a Secured Agreement for the implementation of the Plan shall be executed.

**22. PLAN CONFORMANCE: [DPLU, PCC] [UO, FG]**

**Intent:** In order to implement the required mitigation measures for the project, the required building plans shall conform to the approved Major Use Permit.

**Description of requirement:** The building plans shall conform to the approved Major Use Permit. All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance and shall be implemented pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) of this Permit. No deviation of the requirements can be made without modification of this permit. **Documentation:**

The applicant shall submit the building plans, which conform to the Major Use Permit for the project. **Timing:** Prior to approval of any building or construction permit, the notes and items shall be placed on the plans as required.

**Monitoring:** The [DPLU, PCC] shall review the building plans for compliance with this condition and the report format guidelines.

**23. DECOMMISSIONING PLAN: [DPLU, PCC] [BP, UO] [DPLU, FEE]**

**Intent:** In order to ensure the removal of the Solar Energy System and to comply with Zoning Ordinance Section 7372 and 6952.b.3.d a decommissioning plan shall be prepared. **Description of Requirement:** A decommissioning plan shall be provided to the satisfaction of the Director of DPLU that ensures removal of the solar energy system upon discontinuance of the use of the system. The plan shall also include an agreement with security in the form and amount determined by the Director to ensure removal of the Solar Energy System and conversion of the site to a land use that is compatible with the surrounding properties and Zoning. The agreement shall be worded as to run with the land and all successors in interest. **Documentation:** The applicant shall provide the plan, agreement and financial security to the [DPLU, PCC] for review. **Timing:** Prior to

the approval of any building plan and the issuance of any building permit, use of the site in reliance of this permit, this condition shall be completed. **Monitoring:** The [DPLU, PCC] shall review the plan for compliance, agreement, and form of security for compliance with this condition. Upon approval of the form of security, the [DPLU, PCC] will provide the securities to the DPLU Developer Deposit Section safekeeping.

**24. ANTI-REFLECTIVE SURFACES: [DPLU, BPPR] [BP, UO]**

**Intent:** In order to reduce solar panel glare or any other reflective surface pursuant to §6952.b.3.c.iv of the Zoning Ordinance, the project components shall be designed with anti-reflective surfaces. **Description of requirement:** Any structure that is built shall have nonreflective surfaces and antiglare coatings to any reflective surfaces, unless waived specifically by the Director of DPLU. **Documentation:** The applicant shall provide notes and documentation on the building plans to demonstrate that the solar panels and any other reflective surface will be treated with an anti-reflective coating, which would reduce glare. The applicant shall provide the evidence to [DPLU, Building Division] for review and approval. **Timing:** Prior to approval of any building plan and the issuance of any building permit, or use of the premises in reliance of this permit, this requirement shall be met. **Monitoring:** The [DPLU, Building Div.] shall review the plans in accordance with this condition.

**25. INSPECTION FEE: [DPLU, ZONING][DPLU, PCO] [UO][DPR, TC, PP].**

**INTENT:** In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the Discretionary Permit Inspection Fee at the [DPLU, Zoning Counter] and schedule an appointment for a follow up inspection with the County Permit Compliance Officer to review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid. The applicant shall also schedule the follow up inspection with the [DPLU, PCC]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [DPLU, Zoning Counter] shall process an invoice and collect the fee for the Use Permit Compliance Inspection Fee. Upon collection of the fee, an inspection milestone shall be entered to schedule an inspection six months from the date that occupancy or use of the site was established. The permittee contact information shall be updated in the County permit tracking system, and the [DPLU, Permit Compliance Officer] should be notified. The [DPLU, Permit Compliance Officer] shall contact the permittee and schedule the initial inspection.

**ONGOING:** *(The following conditions shall apply during the term of this permit).*

**26. CENTERLINE LOCATION: [DPW, LDR].**

**Intent:** In order to promote orderly development and to comply with the [Centerline Ordinance Section 51.510](#), the [County Public Road Standards](#), and the [Community Trails Master Plan](#), road right of way, drainage easements, slope rights of Dye Road shall be reserved to the County. **Description of requirement:** Dye Road (SA 300) is shown as a 2.1C Community Collector Road on the Mobility Element of the County General Plan. At the time of construction of future road improvements, any proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

**27. SIGHT DISTANCE: [DPLU, CODES] [OG].**

**Intent:** In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1 Table 5 of the [County of San Diego Public Road Standards](#) an unobstructed sight distance shall be maintained for the life of this permit. **Description of Requirement:** There shall be a minimum unobstructed sight distance in both directions along **Ramona Street** from the project driveway serving the life of this permit. **Documentation:** A minimum unobstructed sight shall be maintained. The sight distance of adjacent driveways and street openings shall not be adversely affected by this project at any time. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

**28. AGRICULTURAL SOILS [DPLU, BPR] [UO]**

**Intent:** In order to provide for the long term viability of agriculture on the project site, the following measures shall be implemented throughout the life of this permit. **Description of requirement:** The soils on-site shall remain viable for agriculture. Throughout the life of the permit, the soils on-site shall be left in their natural state, and not coated with any materials that would sterilize the soil. **Documentation:** The applicant shall maintain the viability of the on-site agricultural soils. The soils shall remain in their natural state, and not coated with any materials that would sterilize the soil. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *[DPLU, Code Enforcement Division]* is responsible for enforcement of this permit.

**3. Critical Project Design Elements That Must Become Conditions of Approval:**

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in

reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

None.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Planning Commission

on \_\_\_\_\_

David Sibbet, Planning Manager  
Project Planning Division

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